

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CHRIS DEMARINIS, individually
and as guardian of D.D.,

Plaintiff,

v.

ANTHEM INSURANCE
COMPANIES, INC. d/b/a ANTHEM
BLUE CROSS AND BLUE
SHIELD, et al.,

Defendant.

:
: Civil Action No.: 3:20-cv-00713-
: RDM
:
: Honorable Robert D. Mariani
:
:
:
:
:
:
:
:
:
:

**PLAINTIFF’S MOTION FOR AN AWARD OF
ATTORNEY’S FEES AND COSTS**

Plaintiff Chris DeMarinis, individually and as guardian of D.D. (“Plaintiff”),
by and through his undersigned counsel and, pursuant to this Court’s April 10,
2024 Order and 29 U.S.C. § 1132(g)(1), moves for award of attorney’s fees and
taxable costs to be paid by Defendant Anthem Insurance Companies, Inc. d/b/a
Anthem Blue Cross and Blue Shield (“Anthem”), and states as follows:

1. On April 30, 2020, Plaintiff filed the above-styled action pursuant to the
Employee Retirement Income Security Act (“ERISA”) challenging
Anthem’s denial of Plaintiff’s claim for coverage of D.D.’s continued
treatment at the Kennedy Krieger Institute (“KKI”) Neurobehavioral Unit
(“NBU”) in Baltimore, Maryland, based on the erroneous conclusion that

the care provided from May 8, 2019, and beyond was not medically necessary.

2. On April 10, 2024, this Court granted Plaintiff's Motion for Summary Judgment, in part, and ruled that (1) Plaintiff is awarded benefits for the period of May 8, 2019 through July 7, 2019, with the amount of the payment to be determined upon remand to the Plan Administrator for the calculation and payment of benefits and (2) a determination of the appropriate award of benefits and payment of same for the period of July 8, 2019, through October 24, 2019, shall be made upon remand upon submission of additional records by Plaintiff. (Doc. 62)
3. Plaintiff submits that an award of attorney's fees and costs is appropriate under 29 U.S.C. § 1132(g)(1) for the reasons set forth in the attached memorandum of law.

WHEREFORE, Plaintiff respectfully requests that the Court enter an Order granting Plaintiff's motion for attorney's fees and costs.

Dated: April 29, 2024

Respectfully submitted,

**SHERMAN, SILVERSTEIN, KOHL,
ROSE & PODOLSKY, P.A.**

By: /s/ Alan C. Milstein

**Alan C. Milstein
308 Harper Drive, Suite 200
Moorestown, NJ 08057
Telephone: 856-662-0700**

Facsimile: 856-661-2068
Attorneys for Plaintiff